

**ORANGE COUNTY BOARD OF SUPERVISORS
SUBCOMMITTEE ON ELECTIONS
MAY 18, 2004**

**IDENTIFICATION OF 2004 MARCH PRIMARY
ELECTION ISSUES**

SUMMARY

The 2004 March Primary Election received much focus and attention by both the public and the media on the events leading up to and concluding the election. The following report attempts to identify challenges and recommends actions to assist the Registrar of Voters plan for the 2004 November General Election.

INTRODUCTION AND PURPOSE

The primary mission of the Registrar of Voters is to ensure the integrity of the County's elections process through the administration of all federal, state and local election laws. In addition to adhering to the law, the Registrar's office must carry out their duties with the highest degree of professionalism and accuracy in order to promote public confidence and increase participation by all eligible Orange County citizens in the elections process.

Orange County voters elect 185 municipal and special district officers; 142 school board members; 109 superior court judges; and help elect 18 county, 22 state, and 10 federal officials. The number of candidates per major election averages 400 with up to 50 measures. The Orange County Registrar of Voters is responsible for administering elections countywide for more than 1.3 million registered voters.

Prior to the 2004 March Primary Election, the Registrar of Voters used the Datavote punch card voting system. Although not yet decertified by the California Secretary of State, the Datavote system was decertified by the federal government as a result of the Help Americans Vote Act (HAVA). Provisions of HAVA required all elections officials to replace punch card and lever voting machines and implement new, certified elections equipment by January 2006. In order to ensure that vendor support was readily available, the Orange County Board of Supervisors authorized the Registrar of Voters to replace the Datavote punch card system with a certified direct record electronic (DRE) voting system and optical scan system for absentee vote counting that would meet the provisions of HAVA. On April 29, 2003, at its regularly scheduled meeting, the Orange County Board of Supervisors selected the Hart InterCivic eSlate system and approved a contract with MAXIMUS to provide the necessary and appropriate training and outreach prescribed by HAVA.

In light of the challenges faced and experienced by the Registrar of Voters, the Board of Supervisors created a Subcommittee on Elections to review the events and activities leading up to, experienced on and subsequently after, the 2004 March Primary Election. This report attempts to identify the challenges encountered by the Registrar of Voters, Election Day Poll Workers, voters and the public in order to provide both findings and

recommendations to adequately prepare for the 2004 General Election in November. Each finding and recommendation identified will assist the Registrar of Voters in his efforts to successfully fulfill his mission of holding elections of the highest integrity.

METHOD OF STUDY

Personal interviews were conducted with:

- Registrar of Voters
- Registrar of Voters Staff
- MAXIMUS-Hart Consultant Team
- Waters and Faubel Outreach Consultant Team
- Poll Workers (County and Non-County)

Public Hearing Testimony (80 attendees and 46 individuals provided testimony)

- April 12, 2003 – City of Irvine
- April 13, 2004 – City of Fullerton
- April 14, 2004 – County of Orange, Hall of Administration

Surveys of Poll Workers (County and Non-County)

- 1,638 paper surveys
- 55 web surveys (ongoing)

Surveys of Orange County Voters

- 10 web surveys (ongoing)

Focus Groups with Poll Workers

- 10 separate Focus Groups held on April 3rd (660 participants)

Internal Audit Control Self Assessments

- Registrar of Voters Staff
- Registrar of Voters Training/Outreach/Recruitment Staff, County and Non-County Poll Worker Volunteers

Various Reports and Documentation

REGISTRAR OF VOTERS STAKEHOLDERS

- Voters
- Poll Workers
- Candidates
- Elected Officials
- Municipalities and Special Districts
- Orange County Residents
- Orange County Businesses
- Political Parties and Advocacy Groups
- Community Organizations & Non-Governmental Agencies

BACKGROUND

With the knowledge that HAVA was moving quickly through Congress as a result of the controversy in Florida surrounding the 2000 Presidential Election, the Registrar of Voters began preparing for the implementation of electronic voting in the spring of 2002. After having developed a comprehensive Feasibility Study, the Registrar wrote and released a Request for Proposal (RFP) in the summer of 2002 and required responses by responsible bidders in October 2002. Public hearings were held in October and November of 2002 to receive public input and feedback as to their concerns as well as their preference in equipment. It was determined at that time, that the public preferred the Hart InterCivic eSlate, in lieu of the various touch screen versions.

On April 29, 2003, the Board of Supervisors awarded a contract to MAXIMUS/Hart, authorizing the purchase of 9,000 eSlates and 100 demonstration units and required MAXIMUS to train both the Registrar of Voters' staff and Orange County Poll Workers on how to use the equipment, including the development of a comprehensive voter outreach and education campaign. In August 2003, the Registrar of Voters started receiving the hardware. With planning and implementation for the 2004 March Primary well underway, the Registrar of Voters was forced to redirect its attention from its planning effort for the 2004 March Primary in order to address the demands of the unscheduled and highly publicized Statewide Recall Election. This forced a compressed implementation schedule, causing a three-month delay in both planning and implementation as well as requiring a higher degree of reliance upon vendor support and assistance. The training of more than 6,100 Poll Workers began on February 2, 2004, leaving less than 30-days to adequately train and prepare for the March 2, 2004 Primary Election.

FINDINGS

Registrar of Voters Staffing, Operations and Election Day Processes

- 1. The 2003 October Special Statewide Recall Election caused delays in implementation and training.**
- 2. The Registrar of Voters needs to become less reliant on vendor support and will need additional human and other resources to achieve greater independence.**
- 3. The information systems need to better interface with the new Hart InterCivic eSlates.**
- 4. Delays caused by the Statewide Recall Election caused a strained reporting relationship between the Registrar of Voters Staff and the Consultant.**
 - The lack of a single County point of contact for training, recruitment, outreach and scheduling caused logistical and operational delays.

5. **Staff in both the Election Field Representative and Community Program Specialist classifications share similar responsibilities but are not effectively integrated, causing delay and confusion.**
6. **Appropriate and consistent methods to ensure that clear lines of communication between Registrar of Voters' management and all levels of staff are not clearly established.**
7. **Public outreach and communications, such as media relations and communications with internal and external volunteer Poll Workers, need to be improved.**
8. **A gap between Registrar of Voters staff was discovered relating to their ability to demonstrate a working knowledge and understanding of the new voting equipment, its features, policies and procedures and their individual ability to operate and navigate the eSlate system.**
9. **The release of initial vote tallies, upon the return of the JBCs to the Registrar of Voters' office, was delayed.**
10. **There is no requirement for or established method to communicate preliminary information after the election to the Board of Supervisors and the CEO as to Election Day experiences, problems and/or successes.**

Poll Worker Training and Recruitment & Precinct Organization

11. **The structure of the Poll Worker training program for the 2004 March Primary Election caused several operational and procedural conflicts and errors.**
 - The responsibility for Poll Worker training was bifurcated. The County of Orange retained the Poll Worker training responsibilities for County Election Policies and Procedures, while MAXIMUS was contracted to provide the operational and technical training components of the Hart InterCivic eSlate. This training was combined after February 17, 2004, resulting in more than half of the Poll Workers receiving a separately structured training.
 - Inspectors and Clerk Judges who received early training were unaware of the changes in procedures that were implemented by the California Secretary of State after their training, causing the knowledge level among all trainees to be inconsistent in certain areas.
 - Poll Workers were not made aware of the various responsibilities of each position on the Election Board.

- A small percentage of Inspectors and Clerk Judges did not receive adequate training on how to adequately operate the Judges Booth Controller (JBC) component of the Precinct Voting System.
- There was confusion regarding the combinations of precincts contained within a single polling place, which resulted in some voters inadvertently being issued the incorrect ballot for their precinct by the JBC operator.
- Some Inspectors and Clerks were unfamiliar with standard County procedures regarding roster and precinct street indexes and other County procedural issues.
- The policies and procedures relating to provisional voting and crossover voting caused some confusion for Poll Workers.
- Poll Workers would like the ability to set up the eSlates (not the JBCs) the evening prior to Election Day. JBCs would be set up in the morning.
- Supplies containers caused confusion.
- Input from Poll Workers and Voters is essential in order to fine-tune the elections process.
- A Poll Worker training video would provide Poll Workers the opportunity to review important training procedures after training has occurred and prior to Election Day.
- Poll Worker feedback is essential to the future success of Orange County elections.

12. The selection and scheduling of Poll Worker training site facilities produced several challenges.

- The scheduling of significantly more than expected Poll Worker training sites stretched both human resources and availability of equipment beyond manageable effective parameters.
- Due to the high volume of needed last minute training as a result of the late recruitment of and notification to Poll Workers regarding training locations and times, which led to an abundant number of requests to reschedule training, larger facilities were needed to accommodate increased class sizes.
- Some training sites were not ideally suited for the type of training being conducted, usually in terms of square footage, making it difficult to place the appropriate numbers of eSlates need for the hands-on

training at these locations. This was attributed to the limitations on available sites.

- The selection and reservation of training sites and the deployment of trainers and equipment was complicated by insufficient data and tracking regarding the numbers of attendees.

13. The scheduling of Poll Worker training classes was compressed, causing numerous problems, amplifying delays caused by the Statewide Recall Election.

- The scheduling process had to be compressed, causing, in some cases, larger than expected class sizes and in other cases the underutilization of the available capacity. Due to the inconsistent class sizes and the unforeseen demand for last-minute training, inefficient systems flow, communications blockages and the over-and-underutilization of available resources directly resulted.
- Some Poll Workers were sent to classes at the wrong time and location. Others attended more training that was necessary or the wrong type of training for their assigned function.
- Classes that were considered over-capacity received reduced equipment hands-on training.
- Class rosters were not made available to the trainers prior to the class start times.

14. Delays in obtaining a full complement of recruits for the polls had numerous ramifications that had a disruptive ripple effect on other processes leading up to Election Day.

- The Poll Worker volunteers' experience during the Statewide Recall Election caused a significant number of Poll Workers to decline the Registrar of Voters' request to again volunteer in the 2004 March Primary.
- Increased recruitment and use of High School Poll Workers is needed.
- Delays in the ability to recruit volunteers early caused the need for additional training sessions to be added in the last days prior to the election, impacting class size and hands-on ability.
- The County Poll Worker recruitment process yielded far fewer volunteers than anticipated.

15. Multiple precinct polling locations caused confusion among Poll Workers and Voters.

- Inadequate labeling on the voter/precinct lists resulted in Poll Workers being unaware of the fact that certain polling locations had ballots for multiple precincts.
- Voters experienced confusion as to where their correct polling location was.
- Voters complained that they received the wrong precinct ballot and Poll Workers needed instructions on how to remedy.
- Experienced Poll Workers requested the “What If/FAQ” handbooks be re-established.

16. Polling Place collections centers were understaffed and created long lines to return JBCs.

17. Voters pressed the CAST BALLOT button before having completed making their selections.

- Some Poll Workers allowed voters to vote twice to avoid a confrontation with irate voters.

Equipment and Technical Support

18. Equipment functioned properly.

19. An appropriate method of Equipment and Asset inventory management must be established for eSlates and JBC and all future related equipment.

20. Poll Workers experienced difficulty in obtaining adequate information from the technical support staff at the Phone Bank/Call Center.

21. Technical field support staff was limited and resulted in long delays before attention was given to a trouble call/location.

22. The Secretary of State has circulated DRAFT standards for Counties to review for the Accessible, Voter Verified Paper Audit Trail (AVVPAT) that is currently slated for implementation by 2006.

RECOMMENDATIONS

Registrar of Voters Staffing, Operations and Election Day Processes

- 1. A management audit, directed by the CEO, should be conducted at the conclusion of the 2004 November General Election. This audit will include organizational and classification studies to determine the need for additional staff and resources as well as the appropriateness of the current structure. (Finding 2)**

2. **An information systems audit should be conducted to determine current capabilities and future needs. (Finding 3)**
3. **A single point of contact from the Registrar of Voters will be identified to serve as the lead through November for the training, recruitment, outreach and scheduling functions. This lead will identify a method to best utilize staff in the Election Field Representative and Community Program Specialist classifications. (Findings 4-5)**
 - **Recruiters should add attending local Chambers of Commerce meetings and other target groups to interact and attract business support on Election Day such as Poll Workers and/or Polling Places.**
4. **The Registrar of Voters will identify a clear method to communicate policy, staffing changes and other important information to all levels of staff. (Finding 6)**
5. **An experienced public communications professional is needed for the creation of internal and external communications materials and media relations. (Finding 7)**
6. **All staff at the Registrar of Voters should receive appropriate training relating directly to their position, involvement in the planning of Election Day processes and their specific Election Day duties and demonstrate a working knowledge of the new equipment. (Finding 8)**
7. **The Registrar of Voters will identify opportunities and activities to streamline the vote tallying process at the Registrar of Voters' office, while ensuring that all security measures are in place and never compromised. (Finding 9)**
8. **The Registrar of Voters, within one week of the election, should produce a "Preliminary Elections Activities" written report to the CEO and the Board of Supervisors. This report should include sections such as an introduction, election background, election preparation activities, Election Day activities, post-election activities, citizen/poll worker comments, preliminary findings, and next steps. (Finding 10)**

Poll Worker Training and Recruitment & Precinct Organization

9. **All Poll Worker training (County Policies and Procedures and Equipment) must be combined and each training session staffed with representatives who can answer questions regarding both County procedures and equipment operations. (Finding 11)**
10. **An appropriate Poll Worker training and recruitment policy document should be created and made available on the web site that adequately**

- communicates the County's training and recruitment procedures, similar to the document the County of Los Angeles has created. (Findings 11-14)
11. Any changes in training content, once training has begun, must be appropriately communicated to all individuals who previously received training prior to Election Day. The Registrar of Voters will also inform the CEO and the Board of Supervisors that changes were made and that appropriate notification was delivered. (Finding 11)
 12. Training should be modified to incorporate a section on Election Board responsibilities, reiterating the responsibilities of each position on the Election Board. (Finding 11)
 13. Each training session, for all Election Board positions, should include hands-on training on the JBC. (Finding 11)
 14. To the maximum extent possible, precincts with separate and unique ballot styles should not be combined. (Findings 11 and 15)
 15. Precinct rosters and street indexes will be appropriately labeled, indicating all precinct information contained within each roster. (Findings 11 and 15)
 16. Training should include detailed instructions on how to recognize which precincts are contained within the precinct rosters and indicate how multiple precinct rosters will be labeled. (Findings 11 and 15)
 17. More training on provisional voting and crossover ballot voting is needed. (Finding 11)
 18. A VHS or DVD training video must be designed for review by volunteers prior to Election Day and made available on the web site. (Finding 11)
 19. Wherever possible, allow Poll Workers to set up eSlates the night before Election Day. JBCs can be hooked up in the morning. This recommendation to be implemented only if it conforms to the security measures established by the Secretary of State and confirmation from the vendor that this would not create any vulnerability to fraud. (Finding 11)
 20. Supplies containers should be clearly labeled as to their contents and how to appropriately store. (Finding 11)
 21. Establish a regular program and/or method to solicit input and feedback from Poll Workers and voters after each election. (Finding 11)
 22. Rigid Poll Worker training schedules must be established early and kept to a limited number of fixed locations to allow for adequate mobilization of trainer and equipment resources. (Finding 12)

- 23. Training sites must be identified and scheduled early to allow for training to occur at the same location for the duration of the training period. (Findings 12)**
- 24. Training classes should be scheduled with a 25-person maximum; with a goal of having at least 20 people attend each class. (Finding 13)**
- 25. A tracking system should be instituted to ensure that the 25-person capacity is maintained and that classes are filled properly to avoid having to accommodate overcrowding as well as train under-filled classes. (Finding 13)**
- 26. Training notification should be sent early, to allow for volunteers to plan accordingly and include optional dates for the training. A web-based sign up system in addition to a call-in sign up is needed. (Finding 13)**
- 27. A bank of training dates should be established for the final days leading up to the election and held in reserve by staff. Making these unavailable for Poll Workers to sign up for will assist in accounting for reschedules and last minute overflows. (Findings 13-14)**
- 28. Training should be offered on weekends with multiple sessions being staggered throughout the day. (Findings 13-14)**
- 29. Class rosters must be made available to the trainers prior to the day of training and should be returned and crosschecked by staff to ensure all volunteer Poll Workers have attended. (Finding 13)**
- 30. The County Poll Worker program should be evaluated to determine if split shifts are appropriate and, to the maximum extent possible, each polling location should be staffed by at least one County Poll Worker. (Finding 14)**
- 31. The County Executive Officer must present each department head with a target number of volunteers needed and work to ensure that each target is met. (Finding 14)**
- 32. An extensive outreach effort to recruit High School Poll Workers should be established. (Finding 14)**
- 33. The voter-assigned polling locations on the Sample Ballot should be highlighted to draw attention to the location. (Finding 15)**
- 34. Re-establish the “What If/ FAQ” handbook for the eSlate and JBC operations as well as for County procedures for troubleshooting. Information should be included in one handbook. (Finding 15)**
- 35. Polling Place (JBC) Collection Centers will be adequately staffed to eliminate long wait times and bottlenecks. (Finding 16)**

- 36. Training should include specific instructions for Poll Workers to inform voters of the red CAST BALLOT button and its function. (Finding 17)**
- 37. An extensive voter outreach and education campaign at the polling place must be focused on the red CAST BALLOT button. (Finding 17)**
- 38. The Registrar of Voters will work with the vendor to evaluate and investigate appropriate hardware and software enhancements to improve the voters' experience and the poll workers ability to operate the voting system. (Finding 17)**

Equipment and Technical Support

- 39. Equipment and Asset inventory methods must be instituted to track and account for eSlates, JBCs and related equipment. (Finding 19)**
- 40. The Call Center must be heavily staffed at the opening and closing of the polls with people who can answer all procedural and equipment operational questions. (Finding 20)**
- 41. The technical field support needs to be increased and made more available to address concerns and trouble spots. (Finding 21)**
- 42. The Registrar of Voters should initiate discussions with Hart InterCivic to determine whether an Accessible, Voter Verified Paper Audit Trail (AVVPAT) can be incorporated in our eSlate DRE machines and what the cost implications will be. Prior to purchasing upgrades for the eSlate system, the Registrar will ensure that the Secretary of State has finalized the acceptable standards for the AVVPAT and that the pending purchase complies with state law and a reliable funding source is identified. (Finding 22)**